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HIGHLIGHTS DECEMBER 9, 2003

SINE DIE ADJOURNMENT – 1ST SESSION: Pursuant to the provisions of H.Con.Res.339, the adjournment resolution, the Senate has adjourned sine die for the 1st Session of the 108th Congress, to next convene on Tuesday, January 20, 2004.

5TH CONTINUING RESOLUTION: By voice vote the Senate passed H.J.Res.82, providing continuing appropriations through January 31, 2004, for those Federal agencies and activities for which regular FY04 appropriations bills have not yet been enacted, clearing that measure for the President. H.J.Res.82 contains the same expiration date as the existing 4th CRA – January 31, 2004 - but corrects two “anomalies” related to FHA loan commitments and FAA operations account staff offices that would cause a mortgage loan guarantee program to exceed authorized levels and cause the furlough of 443 FAA staff. (S16212)

OVERSEAS BASES – COMMISSION: Pursuant to Sec. 128 of the FY04 military construction appropriations – P.L.108-132 - the Chair, on behalf of Sen Daschle (D-SD), appointed Al Cornella, of South Dakota, and James A. Thomson, of California, to the Commission on Review of Overseas Military Facility Structure of the United States. (S16159) (**Research Team note:** appointments to the 8-member commission established pursuant to sec.128 were to be made within 45 days of enactment of the milcon bill. That measure was signed on November 22.)

NOMINATIONS: Senate received the nominations of MajGens Donald J. Wetekam and Thomas L. Baptiste, USAF, to be 3-stars. By unanimous consent the Senate also agreed to waive Senate Rule 36, para 6, and maintain all pending nominations in status quo during the recess of the Senate between the 1st and 2nd Sessions, with certain exceptions. Among the nominations returned to the White House as part of the above consent agreement were the nominations of BrigGen Robert P. Meyer Jr, ANG, to be 2-star, and Col Thomas J. Quelly, Regular AF, to be 1-star. (S16150)

SENATE, DECEMBER 9, 2003

OMNIBUS APPROPRIATIONS: Objection was made to a unanimous consent request that the Senate take up the conference report on H.R.2673, the FY04 omnibus appropriations bill. Majority Leader Frist (R-TN) subsequently filed a cloture motion to limit future debate on the measure and a vote on the motion will occur on Tuesday, January 20, 2004, when the Senate reconvenes for the 2nd session. (S16083, S16214)

Sen Daschle (D-SD) addressed concerns related to the current draft of the bill. Asserted “the appropriations process has fallen apart. This is a Frankenstein monster of a bill born of a badly broken process. It is time to send it back to the laboratory.” Observed that this bill combines 7 appropriations bills, including 11 of the 15 Cabinet-level Departments, comprising \$820 billion in Government spending. Believed that to agree to the unanimous-consent request to proceed to the consideration of this bill would represent a “shocking abrogation of our responsibilities to the people of this country.” Also noted that we are now 2 1/2 months into the fiscal year; this should have been done on October 1. (S16083-5) Sen Stevens (R-AK) noted that the House passed the omnibus appropriations yesterday by a bipartisan vote. Pointed out the consequences of delaying this vote. (S16085-7) Sen Byrd (D-WV) said he shared the disappointment of the chairman of the Senate Appropriations Cmte, Sen Stevens. Noted that Sen Stevens has consistently sought to avoid having omnibus appropriations bills. Said he was saddened that Sen Frist (R-TN), the Majority Leader, decided to postpone a vote on this legislation until January 20. (S16087-9)

Sen Nickles (R-OK) provided an initial report on the budgetary effect of the conference report to accompany H.R. 2673, Consolidated Appropriations Act for 2004. Summarized where the bill stands relative to the 2004 budget resolution as it applies in the Senate. Also said he would compare the individual bills to each subcommittee’s 302(b) allocation at a later time. Noted that when combined with the other six appropriations bills already enacted in addition to the 2004 Iraq supplemental, this conference report would set total non-emergency discretionary funding for 2004 at \$791.023 billion in budget authority and \$862.889 billion in outlays. Explained how the conference report exceeds the discretionary allocations and caps provided by the budget resolution. Stated that Budget Act and budget resolution points of order would apply against the bill, as well as other points of order. (S16108)

NOMINATIONS: A unanimous-consent agreement was reached providing that during the sine die adjournment of the Senate, all nominations remain status quo with certain exceptions. These exceptions include: Brig Gen Robert P. Meyer, Jr., ANG, to be major general; and Col Thomas J. Quelly, USAF, to be 1-star, which were returned to the White House. (S16150)

SOCIAL SECURITY: Senate passed H.R. 743, to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees and to enhance program protections. Agreed to the cmte amdt in the nature of a substitute and an amdt providing for a manager’s amdt. Debate appears at S16159-96.

SENATE, DECEMBER 9, 2003

NOMINATIONS RECEIVED: Senate received numerous nominations including: Maj Gen Thomas L. Baptiste, USAF, to be 3-star; and Maj Gen Donald J. Wetekam, USAF, to be 3-star. (S16214)

EUROPE: Senate agreed to S. Res. 237, welcoming the public apologies issued by the President of Serbia and Montenegro and the President of Croatia and urging other leaders in the region to perform similar concrete acts of reconciliation. (S16196-7)

HUMAN RIGHTS: Senate passed H.R. 2620, Trafficking Victim Protection Reauthorization Act, to authorize appropriations for FY 2004 and 2005 for the Trafficking Victims Protection Act of 2000—clearing the measure for the President. (S16200-01) Remarks by Sen Brownback (R-KS) appear at S16107-8.

HUMAN RIGHTS: Senate agreed to S. Res. 258, expressing the sense of the Senate on the arrest of Mikhail B. Khodorkovsky by the Russian Federation and the potential for misuse of the justice system in the Russian Federation. (S16201-2)

CONTINUING APPROPRIATIONS/TECHNICAL CORRECTIONS: Senate passed H. J. Res. 82, making technical corrections to the further continuing appropriations for FY 2004—clearing the measure for the President. (S16212)

US SENATE-CHINA INTERPARLIAMENTARY GROUP: Senate agreed to S. Res. 282, providing the funding to assist in meeting the official expenses of a preliminary meeting relative to the formation of a US Senate-China interparliamentary group. (S16141; S16212-13)

TRIBUTE: Senate agreed to S. Res. 281, relative to the death of former Sen Paul Simon (D-IL). (S16141; S16213-14) Several tributes appear at S16093-4; S16100-1.

CONGRESS / AUTHORITY FOR COMMITTEES: A unanimous-consent agreement was reached providing that notwithstanding the sine die adjournment of the Senate, all committees were authorized to file legislative and executive reports during the sine die adjournment of the Senate on Friday, January 9, 2004, from 10:00 a.m. until 12:00 noon. (S16159)

CONGRESS / APPOINTMENTS: A unanimous-consent agreement was reached providing that notwithstanding the sine die adjournment of the Senate, the President of the Senate, the President pro tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate. (S16159)

CONGRESS/SIGNING AUTHORITY: A unanimous-consent agreement was reached providing that during the sine die adjournment of the Senate, the Majority Leader be authorized to sign duly enrolled bills or joint resolutions. (S16159)

SENATE, DECEMBER 9, 2003

TREATY: The injunction of secrecy was removed from the Additional Protocol to Investment Treaty with Romania (Treaty Doc. No. 108-13); and Taxation Convention with Japan (Treaty Doc. No. 108-14). The treaties were transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Cmte on Foreign Relations and ordered to be printed. (S16158-9)

OVERSEAS BASES – COMMISSION: Pursuant to Sec. 128 of the FY04 military construction appropriations – P.L.108-132 - the Chair, on behalf of Sen Daschle (D-SD), appointed Al Cornella, of South Dakota, and James A. Thomson, of California, to the Commission on Review of Overseas Military Facility Structure of the United States. (S16159) (**Research Team note:** appointments to the 8-member commission established pursuant to sec.128 were to be made within 45 days of enactment of the milcon bill. That measure was signed on November 22.)

TRIBUTES: Sen DeWine (R-OH) paid tribute to Chief Warrant Officer Brian Van Dusen, USA, who was killed on May 9, 2003, in Iraq along with CWO Hans Gukeisen and CPL Richard Carl when their air medical helicopter crashed after a little Iraqi girl who had been severely injured in an explosion near the Tigris River had been safely carried away in a separate aircraft. (S16085) Sen Chambliss (R-GA) honored former colleague, Rep Bill Emerson of Missouri, for whom a new bridge spanning the Mississippi river at Cape Girardeau in Missouri is being dedicated. (S16089) Sen Warner (R-VA) drew attention to an article written by Kofi Annan, Secretary General of the United Nations, entitled “Search for a New UN Role.” Commended Secretary General Annan for his strong leadership over the years and for the courage he has shown. Inserted the article and commended it to his colleagues’ attention. Noted that last week, Secretary General Annan announced he has convened a panel to take a hard look at the mission of the UN and what changes the UN should make to ensure that it can be a relevant and effective institution in the future. Stated that the panel’s report is expected to be released in the fall of 2004. (S16089-90) Sen DeWine (R-OH) paid tribute to former colleague, Rep Delbert Latta of Ohio. Noted that earlier this year the President into law a bill renaming the Bowling Green Post Office in his honor. (S16092) Sen Grassley (R-IA) paid tribute to several Army and National Guard personnel recently killed in Iraq. (S16103-4) Sen Allen (R-VA) recognized the outstanding work of the ROTC cadets at the University of Virginia who participated in a vigil on September 15-16, 2003 in honor of National POW/MIA Remembrance Day. (S16110-11) Sen Domenici (R-NM) noted that former Rep Joe Skeen of New Mexico lost his battle with Parkinson’s disease last Sunday night. (S16112) Sen Lieberman (D-CT) paid tribute to SGM Philip R. Albert, USA, who was killed in Afghanistan on November 23 in a helicopter crash during a combat operation. (S16113) Sen Smith (R-OR) paid tribute to veteran Blanche Osborn Bross who joined the Women’s Air Force Service Pilots, WASPs, in 1943, and now resides in Bend, OR, where he said she plays golf and continues to enjoy the outdoors. (S16113-4) Sen Akaka (D-HI) honored the service of MSgt Dennis Takeshita, Hawaii ANG, who is retiring after 37 years of service. (S16114) Sen Kennedy (D-MA) paid tribute to Brig Gen Edward M. Harrington, USA, who is retiring after more than three decades of service. Noted that since February 2001, Gen Harrington has been the director of the Defense Contract Management Agency. (S16114-5)

SENATE, DECEMBER 9, 2003

CONGRESS: In a lengthy description of the accomplishments of the first session of the 108th Congress, Sen Frist (R-TN) observed that in three short weeks the men and women of the US military, with the support of 49 nations, swept into Baghdad, ending three decades of ruthless rule and terror. Noted that in the months since, they have worked tirelessly and under dangerous conditions to continue to help the Iraqi people build a democracy. (S16154-7)

MILITARY PERSONNEL: Sen Kerry (D-MA) spoke at length in support of S. 1991, to require the reimbursement of members of the Armed Forces or their family members for the costs of protective body armor purchased for or on behalf of members of the Armed Forces. This bill was introduced today by Sen Daschle (D-SD) for Sens Kerry and Kennedy (D-MA). Related material included. No text. (S16126-7)

CUBA: Sen Baucus (D-MT) expressed frustration that Congressional leaders have thwarted the will of the majority of Members who voted 59 to 36 in the Senate and 227 to 188 in the House to approve an amdt to the Transportation-Treasury Appns bill that would suspend enforcement of the Cuba travel restrictions. Complained that the Congressional leadership removed this language before it went to conference. Criticized the administration's obsession with retaining the failed Cuba travel ban. (S16109-10)

TERRORISM: Sen Leahy (D-VT) expressed sadness that the Senate has been unable to reach agreement to extend the pending deadline of the September 11 Victim Compensation Fund to allow more time for victims to file claims. (S16109)

HOUSE OF REPRESENTATIVES, DECEMBER 9, 2003

The House was not in session today. It next meets on Tuesday, January 20, 2004, at noon.

EXTENSIONS OF REMARKS, DECEMBER 9, 2003

INTELLIGENCE: Rep Moore (D-KS) said that he opposed the conference report on H.R.2417, the FY04 intelligence authorization bill, because it contained a provision expanding the definition of "financial institution" to provide enhanced authority for intelligence community collection activities designed to prevent, deter and disrupt terrorism and espionage directed against the US and to enhance foreign intelligence efforts. Said he agreed with the six Senators who recently wrote the Senate Intelligence Cmte urging that the expansion of the FBI's investigatory powers not proceed without further review. Rep Moore said he was concerned that the new power could be used to seize personal financial records that traditionally have been protected by financial privacy laws. (E2491)

WAR POWERS – IRAQ: Rep Barney Frank (D-MA) rejected the notion that the US war in Iraq was a war of necessity, stating his belief that the linkage between Iraq and al Qaeda was slight and the threat of weapons of mass destruction was "grossly exaggerated." Drew attention to and inserted a related November 23 Washington Post article by Richard Haass titled "Wars of Choice." (E2508-9)

EXTENSIONS OF REMARKS, DECEMBER 9, 2003

EDUCATION / DEFENSE: Rep Holt (D-NJ) discussed H.R.3676, a bill he introduced on December 8 to strengthen national security through the expansion and improvement of foreign language study. Cited the bill as the National Security Language Act, noting that it would expand Federal investment in education by providing loan forgiveness of up to \$10,000 for university students who major in a critical need foreign language and then take a job either in the federal workforce or as a language teacher. No text. (E2493)

ACADEMY: Rep Bonilla (R-TX) without elaboration inserted the text of an October 30 Colorado Springs Gazette editorial titled "Aiming High: Academy Still Soars Above Rivals in Terms of Academics and Research Work." (E2520)

CONTRACTS: Rep Emanuel (D-IL) explained H.R.3673, a bill he introduced on December 8 cited as the War Profiteering Prevention Act of 2003. Said the measure was a companion to legislation introduced in the Senate by Sens Leahy, Clinton, Durbin and Feinstein. Said the bill establishes a maximum criminal penalty of 20 years in prison and fines up to \$1M for war profiteers and cheats who exploit the postwar relief efforts in Iraq. Remarked that while he felt the Coalition Provisional Authority in Iraq was doing the best it can, said "it simply does not maintain the manpower necessary to adequately monitor reconstruction funds." Further stated "Regrettably, a handful of politically connected corporations, including some scandal-ridden businesses, are taking advantage of this situation." Text of bill does not appear. (E2547-8)

BILLS INTRODUCED, DECEMBER 9, 2003

SENATE

By Mr LUGAR:

S. 1987. A bill to implement the obligations of the United States under the Protocol Additional to the Agreement between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America, known as "the Additional Protocol" signed by the United States on June 12, 1998; to the Committee on Foreign Relations

By Mr KERRY (for himself and Mr KENNEDY):

S. 1991. A bill to require the reimbursement of members of the Armed Forces or their family members for the costs of protective body armor purchased by or on behalf of members of the Armed Forces; to the Committee on Armed Services.

MEASURES REPORTED, DECEMBER 9, 2003

SENATE

Report to accompany S. 1612, to establish a technology, equipment, and information transfer within the Department of Homeland Security. (S. Rept. No. 108-217)

EXECUTIVE COMMUNICATIONS, DECEMBER 9, 2003

No EC's this date

NEW PUBLIC LAWS

S. 1156 - to amend title 38, United States Code, to improve and enhance the provision of health care for veterans, to authorize major construction projects and other facilities matters for the Department of Veterans Affairs, to enhance and improve authorities relating to the administration of personnel of the Department of Veterans Affairs. Signed on December 6, 2003. (Public Law 108-170).
